IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Revision No. 889 of 2001
(Old No. 595 of 1995)

Ashok Sharma S/o Sri Om Prakash Sharma
R/o Bhartiya State Bank
Ramraj Road Bazpur
District Nainital …Revisionist

Versus

Smt. Manisha Agarwal Pravakta
Rasayan Shastra
Rajkiya Kanya Madhyamik Vidyalaya
Bazpur
Nainital & others …. Opp. Parties

Hon'ble B.C. Kandpal, J.

This is the transferred case from Allahabad High Court. After the file of the case received by this Court, the notice was issued to the revisionist. The report of the C.J.M. Udham Singh Nagar is available on the record, which reveals that the revisionist has been personally served.

The revisionist after the receipt of the notice neither appears before this Court nor engaged any counsel.

The list has been revised. None is present for the revisionist. However, I heard the learned A.G.A. and perused the record.

Brief facts giving rise to the revision are that the revisionist Ashok Sharma filed a complaint against the opposite parties and on that complaint the learned J.M. Kashipur recorded the statement of the complainant under Section 200 Cr.P.C. Thereafter, the court of learned J.M. Summoned the opposite parties to face trial under Section 465, 120-B I.P.C. vide order dated 17.06.1994.

The aforesaid impugned order was challenged in the appeal and the learned Sessions Judge, Nainital vide its order and judgment dated 14.02.1995 allowed the revision and set aside the order dated 17.06.1994 passed by the learned J.M. Kashipur.

The record shows that the opposite party Smt. Tara Mathur, the principle-al of the institution was certainly not responsible for the preparation of the result. Accordingly, she was entitled for the protection by law under Section 197 Cr.P.C. the complaint against her adduced to be misconceived and non-maintainable.

As regard the other opposite parties, namely, Smt. Manisha Agarwal, Smt. Sarla Maurya and Smt. Deepa Gupta, they too having been working as a teacher at Government Girls Higher Secondary School Bazpur. The negligence even if any is there, in the matter of the preparation of result cannot be stressed to the extent of a criminal offence punishable under Section 465, 120-B I.P.C.

I find myself in total agreement with the view adopted by the learned Sessions Judge. The impugned judgment passed by the learned Sessions Judge does not suffer with any illegality, impropriety or error of jurisdiction.

For the reasons stated above, I am of the considered opinion that the present revision being devoid of merit, is liable to be dismissed.

Accordingly the revision is dismissed.

(B.C. Kandpal, J.)

27.07.2004
ASWAL